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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,533	04/19/2005	Pierre Fayet	FRR-16006	4554
40854 7590 12/18/2008 RANKIN, HILL, & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808				
EXAMINER				
CHEN, KEATH T				
ART UNIT		PAPER NUMBER		
1792				
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12/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicant submitted argument/remark, filed on 12/10/2008, after Final Office Action. There is no amendment to the claims.

Response to Arguments

Applicants' arguments filed 12/10/2008 have been fully considered but they are not persuasive.

2. In regarding to 35 USC 112 first paragraph rejection of claim 1, see the third paragraph of page 5, Applicants' clarification that Fig. 3 is an alternative embodiment in persuasive. 35 USC 112 first paragraph rejection is withdrawn.

3. In regarding to 35 USC 112 first paragraph rejection of claim 8, Applicants' request clarification, see the first complete paragraph of page 6.

The examiner maintains that the specification does not support means for removing in an axial direction only.

4. In regarding to 35 USC 103(a) rejections of claims 1 and 7-12 based on Seeser ('519), Kuehnle ('787), and Fu ('265), Applicants' arguments are that:

1) '519 does not teach a single step process with one baffle-free combined process space, see bottom of page 6 to the top of page 10. Specifically, by citing the embodiments that teach multi-step processes and conclude that all embodiment of '519 comprise multiple step processes (first paragraph of page 7) and '519 does not teach one (baffle free) combined process space (lines 7-8 of page 8).

These arguments are found not persuasive.

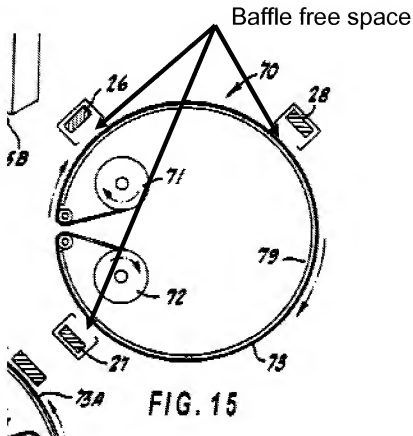
Not only the use of an apparatus in a single step process or multi-step process is an intended use, '519 clearly teach a single step process: The embodiment of Fig. 15

states that "The arrangement 70 provides ..., tailored single or multiple layer sputtering deposition" (col. 16, lines 33-35), the formation of single layer is a single step process; and furthermore "In addition, at least several modes of operation are possible. For example, one can sputter deposit or oxidize one layer at a time along the entire length of the web 73 ..." (col. 16, lines 49-52).

The examiner also maintains that '519 teaches a buffer free combined process space. As indicated in the rejection in the final office action, one baffle free space is located between (therefore outside) the baffle #32 and the web. There are three of such space, together for forming the single layer as discussed above, therefore, a combined baffle free space in a shape of annular ring (missing an arc at left hand side). The Fig. 15 of '519 is reproduced below to show this space.

Additionally, Applicants assert the physical separation is mandatory in '519 (lines 7-15 of page 8). The examiner does not consider this physical separation disallow the formation of "one baffle free combined processing space". Applicants' apparatus also has physical separation from one magnetron to another (Fig. 2).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., physical separation, or lack of) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



2) '519 does not teach magnetron faces and gas supply lines arranged side by side because the stations 26-28 are at a distance from one another, see the middle of page 10.

This argument is found not persuasive.

The examiner maintains that magnetron faces and the gas supply lines are arranged side by side along the circumferential direction of the web/roller, similar to Applicant's Fig. 2. The examiner does not consider the dense pack of magnetrons or sparse placement of the magnetrons as part of the claim limitation.

3) All gas supply lines are connected to a source of only one process gas, see the bottom of page 10 to page 11, specifically, because '519 does not teach a single step process.

This argument is found not persuasive.

As discussed above, '519 clearly teaches a single step process. Furthermore, the use of gas source is an intended use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEATH T. CHEN whose telephone number is (571)270-1870. The examiner can normally be reached on 6:30AM-3 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. T. C./
Examiner, Art Unit 1792

/Michael Cleveland/
Supervisory Patent Examiner, Art Unit 1792